

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Nagaoka

Serial No.: 09/324,368

Filed: June 2, 1999

For: BIODEGRADABLE FORMABLE FILAMENT NON-WOVEN FABRIC
AND METHOD OF PRODUCING THE SAME



Group No.: 1711

Examiner: J. Mullis

#5
114600

RESPONSE AND AMENDMENT

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated August 24, 2000, please consider the following remarks made in connection with the above-captioned application.

I RESPONSE TO RESTRICTION REQUIREMENT

The above application is subjected to a restriction requirement, by which Applicants must restrict the prosecution to the invention of claims 1-7, drawn to a fabric (Group I), or claims 8-11, drawn to a method for producing a fabric (Group II).¹ In response, Applicants elect, without traverse, to prosecute the invention of Group I, claims 1-7.

RECEIVED
NOV 1 2000
TECHNOLOGY CENTER 1000

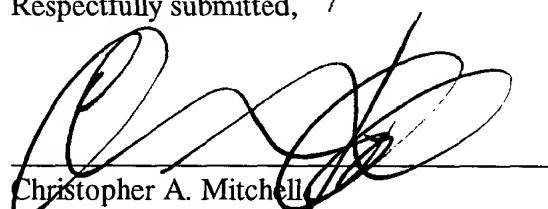
II RESPONSE TO ELECTION REQUIREMENT

The claims of this application are further subject to an election requirement, it being the examiner's position that the application is directed to the following patentably distinct species: Lactic

¹While the Office Action cites claims 1-7 and 9-11 as being directed to a fabric, the examiner has since clarified that this grouping is in error (claims 9-11 are in fact drawn to a method for producing a fabric).

acid polymers, polybutylene succinate, polyethylene succinate, polybutylene adipate, polybutylene sebacate, polycaprolactone, and polypropiolactone. In response, Applicants provisionally elect, without traverse, to prosecute the species of claim 2, being directed to lactic acid polymers. Currently, claims 1, 2, and 4-7 read on the elected species, claim 1 being generic. Applicants understand that, upon allowance of a generic claim, they will be entitled to consideration of the non-elected species.

Respectfully submitted, /



Christopher A. Mitchell
Reg. No. 40,729

DATED: October 24, 2000